

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.: 3:17-cr-00008-HDM-WGC
)	
vs.)	
)	MINUTES OF COURT
CONNOR TIMOTHY WOODS and)	
MICHAEL MILLER,)	
)	March 15, 2018
Defendants.)	
	/	

PROCEEDINGS: JURY TRIAL (Day One)

PRESENT:
THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich Reporter: Margaret Griener

Counsel for Plaintiff: Megan Rachow, AUSA and James Keller, AUSA

**Counsel for Defendants: Leah Wigren, CJA for Defendant Woods (D-1) and
Theresa Ristenpart, CJA for Defendant Miller (D-2)**

At 8:27 a.m., the Court convenes.

Co-Defendant Connor Timothy Woods (In Custody with legs-only restraints) is present Ms. Wigren dressed in street clothes attire.

Co-Defendant Michael Miller (In Custody with legs-only restraints) is present with Ms. Ristenpart dressed in street clothes attire.

Ms. Rachow and Mr. Keller are present with Benjamin Rhodes, Detective, Robbery and Homicide Unit, Reno Police Department. Also, present is Michelle Lewis, Litigation Support Specialist.

As to Defendant Miller, the Court addresses the U.S. Marshal Service Prisoner Restraint Request for legs-only restraints. Ms. Ristenpart recites objection.

As to Defendant Woods, the Court addresses the U.S. Marshal Service Prisoner Restraint Request for legs-only restraints. Ms. Wigren recites objection.

The Court recites statements. **IT IS ORDERED, both Defendants legs-only shackles shall be removed for purposes of the trial proceeding. IT IS SO ORDERED.**

Counsel stipulate to the Court's sidebar procedure.

The Court recites further findings with respect to the parties' outstanding motions in limine.

IT IS ORDERED, Defendant Woods' Motion in Limine Re: E-Z Pawn business card (set forth in ECF No. 88) is DENIED.

IT IS FURTHER ORDERED, Defendant Woods' Motion in Limine Re: the van taken from Portland, Oregon (set forth in ECF No. 88) is DENIED.

IT IS FURTHER ORDERED, Defendant Miller's Motion to Sever (ECF No. 90) is DENIED.

IT IS FURTHER ORDERED, Defendant Woods' Motion for Joinder (ECF No. 118) and Defendant Miller's Motion for Joinder (ECF No. 117) are GRANTED.

IT IS FURTHER ORDERED, Defendant Woods' Second Motion in Limine Re: testimony of Gary Fiorante and a stolen gun (set forth in ECF No. 102) is DENIED, however, the word "stolen" shall not be used when addressing the issue.

IT IS FURTHER ORDERED, Defendant Woods' Second Motion in Limine Re: Defendant Woods' confession vs. statement (set forth in ECF No. 102) is GRANTED and Witness Rhodes shall be precluded from referencing the word "confession."

IT IS FURTHER ORDERED, Defendant Woods' Motion in Limine Re: Defendant Woods' statements (set forth in ECF No. 88) is DENIED, except with respect to anything that was said after the question and response between Rhodes and Woods at Page 9, Line 11 of the Audio File Transcription of recorded interview of Connor T. Woods (as set forth in the Government's Response to Defendant's Motion in Limine (ECF No. 96-1, Page 3 of 5)).

IT IS FURTHER ORDERED, the Government's Motion in Limine to Preclude Reference to Witness's Prior Conviction (ECF No. 115) is GRANTED.

The Court advises counsel regarding jury procedures. Counsel stipulate to the procedure for *Batson* challenges and to the random draw of the jury.

At 9:00 a.m., sixty-three (63) prospective jurors enter the courtroom.

The Court presents opening remarks and introduces counsel. The Court further summarizes this action and the anticipated trial schedule. The voir dire oath is administered and 32 prospective jurors are seated; voir dire proceeds.

The jury is passed for cause. Counsel exercise peremptory challenges.

At 10:32 a.m., Counsel stipulate to the 14 seated jurors. The 14 jurors are empaneled and sworn. The Court thanks and excuses the remaining jurors for a period of two years.

The Court presents explanatory statements to the jury regarding the anticipated trial progression.

At 10:43 a.m., the jury is admonished and excused.

The Court stands at recess

At 10:55 a.m., the Court reconvenes outside the presence of the jury. The Court and counsel discuss the Defendants' objections to the Government's photos intended for opening statements. **IT IS ORDERED, the Defendants' objections are overruled.**

On behalf of the Defendants, Ms. Ristenpart and Ms. Wigren invoke the rule of exclusion.

At 11:03 a.m., the jury enters the courtroom. All jurors are present.

On behalf of the Government, Ms. Rachow presents opening statements.

On behalf of Defendant Woods, Ms. Wigren presents opening statements.

On behalf of Defendant Miller, Ms. Ristenpart presents opening statements.

MICHAEL LUCIFER GRAY, called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Ms. Wigren, cross-examined by Ms. Ristenpart, and excused.

IT IS ORDERED, the Government's Exhibits 1A and 1B are received into evidence.

At 12:00 p.m., the jury is admonished and excused until 1:15 p.m. this date.

Outside the presence of the jury, the Court and counsel discuss the upcoming trial witness.

At 12:04 p.m., the Court stands at recess.

At 11:03 a.m., the jury enters the courtroom. All jurors are present.

CHRISTOPHER BOLAND, Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), called on behalf of the Government, is sworn, examined on direct by Mr. Keller, cross-examined by Ms. Wigren, examined on redirect by Mr. Keller, and excused.

IT IS ORDERED, the Government's Exhibits 2a, 2b, 3a, 3b, 3c, and 3d are received into evidence.

KIM NANCE, called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Ms. Wigren, cross-examined by Ms. Ristenpart, examined on redirect by Ms. Rachow, and excused.

IT IS ORDERED, the Government's Exhibits 4a is received into evidence.

BENJAMIN RHODES, Detective, Robbery and Homicide Unit, Reno Police Department, called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Ms. Wigren, and released subject to recall.

IT IS ORDERED, the Government's Exhibits 5a through 5h are received into evidence.

IT IS FURTHER ORDERED, leave is granted to the Government to recall Witness RHODES.

At 2:48 p.m., the Court admonishes the jury. The Court stands at recess.

At 3:10 p.m., the jury enters the courtroom. All jurors are present.

Ms. Ristenpart recites the parties admissions to Defendant Miller's Exhibits 101 through 104, 106 through 111, 114 through 121, 125 through 130, and 134.

IT IS ORDERED, Defendant Miller's Exhibits 101 through 104, 106 through 111, 114 through 121, 125 through 130, and 134 are received into evidence.

BENJAMIN RHODES, Detective, Robbery and Homicide Unit, Reno Police Department, resumes the witness stand, is cross-examined by Ms. Ristenpart, examined on redirect by Ms. Rachow, examined by the Court, examined on recross by Ms. Wigren, and released subject to recall.

The Court and counsel briefly discuss the remaining witness for the day.

TONI LEAL-OLSEN, Forensic Investigator, Forensic Division, Washoe County Sheriff's Department, called on behalf of the Government, is sworn, examined on direct by Mr. Keller, cross-examined by Ms. Wigren, cross-examined by Ms. Ristenpart, examined on redirect by Mr. Keller, examined on re-cross by Ms. Ristenpart, and excused.

IT IS ORDERED, the Government's Exhibits 6a through 6q are received into evidence.

IT IS FURTHER ORDERED, Defendant Miller's Exhibits 112, 113, and 137 are received into evidence.

IT IS FURTHER ORDERED, leave is granted to the Government to recall Witness LEAL-OLSEN.

TONI LEAL-OLSEN, Forensic Investigator, Forensic Division, Washoe County Sheriff's Department, remaining under oath, is recalled to the witness stand and further examined on direct by Mr. Keller, cross examined by Ms. Ristenpart, and excused.

IT IS ORDERED, the Government's Exhibit 21 is received into evidence.

At 4:37 p.m., the jury is admonished and excused until Friday, March 16, 2018 at 9:00 a.m.

Outside the presence of the jury, the Court and counsel discuss the trial progression and witnesses.

Ms. Ristenpart raises the issue that the Government's Witness Christopher Boland was a non-noticed witness and recites concerns going forward. The Court and counsel further discuss.

Ms. Ristenpart further raises concern regarding the Government's Exhibit 19 (WCJ Jail Calls). The Court and counsel confer.

IT IS ORDERED, Jury Trial (Day Two) is set for Friday, March 16, 2018 at 9:00 a.m. in Reno Courtroom 4 before Judge Howard D. McKibben. IT IS SO ORDERED.

Defendant Woods and Defendant Miller are remanded to custody.

At 4:50 p.m., the Court reconvenes.

DEBRA K. KEMPI, CLERK

By: /s/ Paris Rich
Deputy Clerk